

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SERGIO ALVAREZ,

Plaintiff,

v.

LOCAL UNION 755,

Defendants.

Case No. 1:23-cv-01163-JLT-EPG

ORDER VACATING AUGUST 7, 2023,
FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS BE DENIED

(ECF No. 3)

ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS WITHOUT PREJUDICE

(ECF No. 2)

ORDER DIRECTING PLAINTIFF TO FILE
LONG FORM *IN FORMA PAUPERIS*
APPLICATION WITHIN 21 DAYS FROM
THIS ENTRY OF THIS ORDER

Plaintiff Sergio Alvarez filed this lawsuit on August 4, 2023. (ECF No. 1). Plaintiff describes his claim as follows: "I lost my job including my wages my Union Hall should be helping me instead going against me I am behind on my bills." (*Id.* at 5) (alterations to capitalization). Plaintiff also filed an application to proceed *in forma pauperis*. (ECF No. 2).

On August 7, 2023, this Court issued findings and recommendations, recommending that the application be denied and that Plaintiff be directed to pay the \$402.00 filing fee in full if

1 Plaintiff wants to proceed with this action, most notably because Plaintiff listed having \$100,000
2 in cash or checking or savings accounts. (ECF No. 2). However, the Court also noted that
3 Plaintiff failed to properly complete the *in forma pauperis* application.

4 Now before the Court are Plaintiff's objections in which he states as follows: "I Sergio
5 Alvarez have an objection on my case that I don't have \$100,000 in cash or bank account that is
6 how much am suing the other party for. I am suing for \$100,000 on case # 1:23-cv-01163-JLT-
7 EPG." (ECF No. 4) (alterations for readability). Given this representation, the Court will vacate
8 the findings and recommendations, deny without prejudice the pending *in forma pauperis*
9 application which provides incorrect and incomplete information, and direct Plaintiff to fill out
10 and return the long form *in forma pauperis* application within 21 days from the entry of this
11 order.

12 Accordingly, IT IS ORDERED as follows:

- 13 1. The findings and recommendations issued on August 7, 2023 (ECF No. 3) are
14 vacated.
- 15 2. Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is denied without
16 prejudice.
- 17 3. The Clerk of Court is directed to mail Plaintiff the long form application to
18 proceed *in forma pauperis* (AO Form 239).
- 19 4. Within 21 days from the entry of this order, Plaintiff shall completely and
20 accurately fill out ALL the required information on the form and ensure that the
21 application is signed under penalty of perjury.
- 22 5. Failure to comply with this order may result in the dismissal of this case.

23
24 IT IS SO ORDERED.

25 Dated: August 14, 2023

/s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
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